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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,850

04/14/2004

Bertram V. Burke

EPC-220U

5510

7590

07/28/2005

Leo Stanger  
c/o Bert Burke  
34 Navesink Drive  
Monmouth Beach, NJ 07750

EXAMINER

KOYAMA, KUMIKO C

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,850	<b>Applicant(s)</b> BURKE, BERTRAM V.	
	<b>Examiner</b> Kumiko C. Koyama	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Amendment received on April 29, 2005 has been acknowledged.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-7, 11, 13-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Uzo (US Patent Application Publication No. 2003/0061170 A1).

Re claim 2, 3 and 13: Uzo teaches a method and apparatus for making secure electronic payments. Uzo teaches an anonymous prepaid card issued by the clearing server 12, which is a remote terminal (Page 9, Paragraph [0117], lines 9-10). The card includes has a unique reference number that identifies a record or account within a database and the card must be activated (Page 4, Paragraph [0050], lines 8-15). Such teaching teaches using a remote terminal to activate and issue a card to a customer with an individual account identifier. The anonymous prepaid card is used by a consumer to purchase a token, which is later used to purchase a merchandise at a merchant (Page 7, Paragraph [0088], lines 4-6 and 12-14; Page 1, Paragraph [0007], lines 6-10)). The token purchased is refilled by transferring funds to a token or by cash refill at a merchant to vending machine (Page 7, Paragraph [0090], lines 1-9). Such disclosure teaches customer entering cash value into a remoter terminal operated by the card issuer to purchase a percentage

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of the merchant's inventory using a proxy method. Uzo also teaches that the clearing server poll the merchant, retrieves the token with the transaction records, and updates its clearing server database. The transaction records are details of transaction conducted by the consumer at the merchant, such as transaction amount (Page 9, Paragraph [0112], lines 10-16). Uzo also teaches a transaction history including detailed records of all the purchase transactions performed with the token (Page 9, Paragraph [0112], lines 19-24). Such teaching teaches that the card issuer completes the proxy sales by calculating and reporting the average historical costs associated with the sale of the merchant's inventory. At the time of purchasing an item (Page 9, Paragraph [0126], lines 2-3), which is at the time the of debiting from the merchandise account, the monetary value on the token is exchanged with a purchased item (Page 10, Paragraph [0131], lines 7-16)).

Re claims 4 and 14: As described above, Uzo teaches a merchant.

Re claims 5, 6, 15 and 16: As described above, Uzo teaches that an account associated with the card and the entity is the card issuer.

Re claims 7 and 17: As described above, Uzo teaches that token purchased is refilled by transferring funds to a token at a merchant to vending machine, which is a point of sale terminal.

Re claims 11 and 21: Uzo teaches a transaction history including detailed records of all the purchase transaction, which is cost of goods.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, 10, 18, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzo in view of Gomm et al (US 5,753,899)

Gomm fails to teach a cash register and the debiting station comprises a cash register.

Gomm teaches a cash register having a reader/writer (col 7, lines 8-20), wherein the cash register performs the debiting transaction of a smart card (col 7, lines 20-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Gomm to the teachings of Uzo in order for debiting to occur at the same place as the location where the merchandise is exchanged, such that multiple process can be performed in once place to quickly acquire the merchandise.

5. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uzo in view of Brett (US 6,907,405).

Uzo fails to teach a revenue producing sale and a net profit equivalent to the difference between the cash value and the average historical data.

Brett teaches revenue from sales and a difference between the original sale price and the market value, and such difference affects the revenue from sales.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Brett to the teachings of Uzo in order to analyze the sales revenue to ensure that a profit is being made and the profit is being maximized by gaining as much as profit as possible.

***Response to Arguments***

6. Applicant's arguments filed April 29, 2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding "Uzo makes no mention of at least making a proxy sale of inventory, of calculating and reporting average historical costs associated with the proxy sale of inventory, or of exchanging the purchased percentage of inventory for merchandise," the Examiner respectfully disagrees. Uzo teaches a proxy sale of inventory by providing a token, which acts as a substitute for cash, and such token is used to purchase merchandise or inventory at a merchant. Using a prepaid card by the consumer purchases the token. Therefore, Uzo teaches a proxy sale of inventory. As described above, Uzo teaches a transaction history including detailed records of all the purchases transactions performed with the token, and therefore, teaches calculating and reporting average historical cost. Uzo also teaches exchanging the purchased percentage of inventory for merchandise by disclosing that at the time of purchasing an item, the monetary value on the token is exchanged with a purchased item.

Therefore, the Examiner believes that all the limitation is met by the prior art and maintains the rejection as provided above.

The submitted Amendment further adds new claims 3-22, which are also rejected as set forth above, and therefore, this action is final necessitated by Amendment.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

As of July 15, 2005, the Central FAX Number has been changed to 571-273-8300.

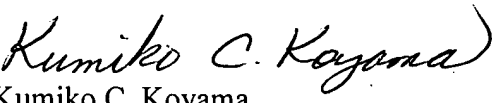
The old FAX number (703-872-9306) will operational until September 15.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kumiko C. Koyama  
July 25, 2005

  
**DIANE I. LEE**  
**PRIMARY EXAMINER**